

From: Niemi, Timothy
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 7:11pm
Subject: Microsoft Settlement

Dear Sirs,

I am writing to you because of my concern over severe inadequacies in the Proposed Final Judgment in the Microsoft Antitrust case. I am a software engineer and have been in this business professionally for 13 years. I believe that Microsoft's behavior has stifled innovation and competition, and has hindered much needed progress in the software industry.

The flaws in the settlement are so obvious that I feel that I would be wasting my time in discussing them. My honest opinion is that these flaws are intentional and that the justice system has therefore failed miserably and intentionally. I don't mean to be rude, that's just the way it looks to me.

I will propose an alternate remedy for some of the technical problems. The business problems require addressing as well but that is not my area of expertise. Requiring Microsoft to document all of their API's is a good first step and I will expand on this idea. Microsoft's monopoly power is derived from their control over computing standards especially document standards. In my experience companies purchase new versions of Microsoft software not because it is the best software but because these companies have a legacy of documents in the various Microsoft formats, Word, Excel etc. If there were a competing product with 100% compatibility, I assure you these companies would not hesitate to switch if they believed the competing software was a better deal. As it is, companies have no real choice in upgrading their software. Even if there is a competing product with better performance and even a better price, the issue of document level incompatibility makes these products a non-choice. Requiring Microsoft to rigorously document and publish the internal format of their documents would provide a level playing field for competition. Competing word processor XYZ with 100% MS Word compatible document formats would be a very attractive product for many consumers and businesses. These document formats change with each new version of Word, therefore the formats would need to be finalized and released well ahead of any new version of Word. Otherwise competitors will be playing a never ending game of catch up and Microsoft will always be one step ahead.

It is worth noting that networking standards are also being manipulated by Microsoft. This is an area ripe for corporate exploitation and it is in the public's best interest that this area not be controlled by a single entity. Similar safeguards need to be in place in this area.

In closing I would just ask that you please consider carefully what is in the public's best interest. If the situation continues unabated, we can all

look forward to continuing decades of unreliable, low quality consumer level software. Home computers can and should be as reliable as any other home appliance. Why is it that our expectations of performance in this area are so much lower than that of other home appliances?

Sincerely,
Timothy Niemi